

## **The Maryland Board of Pharmacy Draft Public Minutes - February 17, 1999**

President Stanton Ades called the public meeting to order at 8:36 A.M.

In attendance were Commissioners W. Irving Lottier, Secretary, Wayne Dyke, Barbara Faltz Jackson, Melvin Rubin, Donald Yee, Ramona McCarthy Hawkins, Stanton Ades, Laura Schneider, Reverend William Johnson, David Russo, Jeanne Gilligan Furman and Raymond Love Board Counsel, Paul Ballard; Board Staff, David Denoyer, Tyla Peterson and Executive Director Norene Pease.

### **Guests present included:**

Howard Schiff, Dorothy Levi, Cathy Putz, Nathan Gruz, Kathryn Lauriha, and Lisa Mayo-Michelson.

President Ades introduced Tyla Peterson, New Administrative Specialist, to the Board.

President Ades requested that any member of the Board with a conflict of interest relating to an item on the agenda should notify the Board at this time.

There were no conflicts reported.

**Approval of Minutes** - Mr. Rubin requested the following corrections on pages 4 and 7. On page 4 paragraph 4 delete, “ and the MPHA newsletter”; page 7 paragraph 2 delete the second “president”, and paragraph 7, delete “when robotics are utilized.” Barbara Faltz Jackson made a motion which was seconded by Donald Yee to approve the minutes with the amendments. The motion was approved.

**Executive Director's Report** - Ms. Pease reported that a request for the position of Office Secretary III to be reclassified to Administrative Specialist will be prepared and submitted to the Personnel Services Administration.

**NABP Annual Meeting** - The Board member needs to approve a delegate to attend NABP Annual Meeting in May and act as the voting representative and alternate for the Board on all matters requiring a vote.

Mr. Lottier made a motion to nominate Stanton Ades as delegate. Melvin Rubin seconded it. The motion was approved. Stanton Ades made a motion to nominate Irving Lottier as alternate and Melvin Rubin seconded it. The motion was approved.

**Guest Presenter** - There was no guest presenter

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**Board Counsel's Report** - Board Counsel presented a draft of regulations to be adopted by all Boards making the handling of discovery requests uniform. The Board reviewed the proposed uniform regulations on discovery and a motion was made by Mr. Lottier and seconded by Ms. Faltz Jackson to adopt them and to complete a notice of regulatory development (NORD). The motion was approved.

### **Committee Reports**

**Licensing Committee** - Commissioner Wayne Dyke reported that there were 16 reciprocity candidates. A motion was made by Mr. Dyke and seconded by Dr. Love to accept all the candidates for licensure with the exception of three persons who need to pass the oral competency examination, i.e.: Gregory Drew, Connie Jung, and Dan Nguyen. The Board approved the motion. The candidates approved for licensure were Hanan Akaysi, David Blanchard, Tilford, Brockett, Jr., Padmesh Chhita, Karen Dougherty, Gregory Drew, Angela Edwards, Connie Jung, Laura Kitzmiller, Marilyn Marquardt, Dan Nguyen, Julie Satterfield, Nige Wakelin, and May Zin.

**Disease State Management Examinations** - The topic of administration of Disease State Management examinations was discussed with the Dean and other representatives at the January meeting with the School of Pharmacy. School representatives wanted to engage in further discussion of the topic and recommended that, prior to taking any action, the Board and the Task Force on the Future of Pharmacy Practice await the report of Dr. Voxakis, Executive Committee for the Future of Pharmacy Practice.

**Report on Revision of Laboratory Examination** - Mr. Yee and Ms. Furman stated that the laboratory examination would be modified to include questions on sterile product preparation. Ms. Furman reported that example test questions will be ready by 3/1/99 to be mailed to students in examination information packets.

**New State and Federal Law Examination** - Mr. Rubin requested that students receive information in advance about the changes in the State and Federal Law Examination for 1999. Board staff will inform both the University of Maryland and Howard University regarding administration sites for the law examination. Judge Fader has contacted Mr. Rubin in order to determine how to best prepare students for the new examination. Any questions about the examination and how to prepare for it should be referred to Mr. Rubin.

**Time Frames for Administering Future Examinations** - Wayne Dyke stated that there was considerable discussion with representatives from the University of Maryland, School of Pharmacy regarding the appropriate timing of examinations prior to graduation. The timing of examinations will impact the sequence of courses taught at the School. It was decided that a

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group of representatives from the Board and the Schools of Pharmacy, including student representatives, would meet to discuss and make recommendations to the Board on the timing of examinations for 2000.

Ms. Pease reported that the School is available for the administrations of the laboratory examination during the week of 6/21/99 - 6/25/99. Please let Sharon Cornish or Wayne Dyke know which day is most convenient for proctors.

### **Executive Committee for the Future of Pharmacy Practice - Dr. Voxakis, Chair**

Howard Schiff, MPHA representative, reported that the Committee is looking at strategies for collaborative practice to be implemented in 2000. The Committee is seeking options for developing a cooperative working relationship with both Med Chi and the Board of Physician Quality Assurance.

### **Regulation Update**

#### **Electronic Transmission**

The Board received written comments from the Maryland Chain Drug Store Association (MACDS) on the electronic transmission regulations. In the regulations the responsibility for determining that the system transmitting electronic prescriptions is valid and preserves data confidentiality is the duty of the permit holder. Mr. Dyke stated that chains are concerned that pharmacy permit holders will be required to contact every prescriber to verify that the transmission system is adequate. Mr. Ades responded that the Board must assure the quality and security of systems that are utilized. He further stated that the developers of electronic transmission systems may verify that the systems utilized minimize the opportunities for fraud.

**Practice Act Revisions** - Pamm Wiggin reported that Senate Bill #586 is presently sponsored by Senator Hollinger. No committee hearing date has been set. After the hearing date is set, Ms. Wiggin will talk with Senator Hollinger about what materials/summaries she wishes to have distributed to members of the Committee. Ms. Wiggin has prepared briefing materials on the Bill

**Emergency Drug Kits** - Ms. Wiggin consulted with regulations coordinator and determined that a scope section is not necessary. The Board concurred with her recommendation that a scope section not be included. Corrections to COMAR 10.34.24.03(C) were made as follows, "Maintain a retrievable file of administration records when returned to pharmacy." Section.04 A (3)(c), on page 3 should read: "which includes the administration record indicating." Ms. Wiggin suggested that the regulations refer to "Portable" rather than "Emergency" Drug Kits in order to minimize confusion due to drug kits that are used in other emergency situations. The Board

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agreed that the name change was appropriate. A motion was made by Dr. Love and seconded by Ms. McCarthy Hawkins to prepare a notice of regulatory development (NORD) form notifying the Department that the Board is promulgating regulations on this subject and to include the Board's changes to the proposed regulations. The motion was approved. Ms. Wiggin was asked to make the revisions and submit them to the Board for review during March, and to communicate the Board's changes to the Board of Nursing.

**Pharmacy Security** - The Board reviewed COMAR 10.34.05 revisions to existing Pharmacy Security regulations and made the following changes: .02 B. (1) (I) (ii) The Prescription Area remove the word, "to" in both instances. Change .04 A. (2) to read, "Designate personal and authorized access to computerized patient records." A motion was made by Dr. Love and seconded by Ms. Schneider to accept the changes. The motion passed.

**Executive Committee Meeting with the University of Maryland, School of Pharmacy** - The contents of this meeting were discussed under the Licensing Committee Report.

**PEAC (Pharmacists Education and Assistance Committee)** - Tony Tomasselo was present representing PEAC and stated that the Committee had made a report at the Mid-Year Meeting of the MPhA. He also discussed the positive effects that result from PEAC members attending the annual addictions preventions and treatment training conference at the University of Utah in June.

Ms. Pease stated that she expected that the request for proposals (RFP) for a Pharmacist Rehabilitation Committee will be issued in early March 1999. Ms. Pease, Mr. Rubin and another Board member will review responses to the RFP.

### **Pharmacy Practice Committee**

**Task Force on Pharmacy Support Staff** - Mr. Rubin reported on the meeting with Delegates Bozman and Goldwater. He stated that Delegate Goldwater had urged the Task Force to brief legislators who are on health subcommittees about Task Force work. Briefings should be at regular intervals so that Legislators understand Task Force recommendations and the rationale for them. Mr. Rubin also stated that the Task Force has developed a draft set of regulations supporting the Board's Policy Statement on Pharmacy Support Staff. Delegate Goldwater reminded Task Force representatives that she could introduce legislation for a Legislative Task Force to study the issue of Pharmacy Support Staff if she does not feel that the Board's Task Force is adequately examining the issues.

The next Task Force Meeting is 8 a.m. March 4, 1999 at 4201 Patterson Avenue in Baltimore. Dr. Love and Mr. Ades asked to be informed in advance of any Task Force meetings.

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**Drug Formulary Advisory Committee** - Laura Schneider reported that Secretary Wasserman has not appointed an advisory committee to review Maryland's limited formulary policy.

**Pharmacy Security** - This item was discussed under regulations.

**Task Force on Automation** - Jeanne Furman reported that currently the Task Force is focussing on a review of both retail and outpatient automated dispensing devices. The Task Force plans to visit the inpatient robotics and dispensing devices utilized at University Hospital and in long term care settings. Once the Task Force has reviewed all the possible automated methods for dispensing it will begin to develop regulations to address the subject. Dr. Love and Mr. Ades asked to be informed about Task Force site visits.

The next site visit is scheduled for 2/24/99 at 8 a.m. Members are to meet at Rite Aid in Cockeysville to observe automated dispensing in this retail setting and a meeting of the Task Force will follow.

The next Practice Committee meeting will be held on March 3, 1999 at 4:30 P.M.

**Budget Committee** - Mr. Lottier gave the Budget Committee Report. He presented a detailed report on revenues relating to new pharmacies and distributors, reciprocity and pharmacies renewing late. The Boards expenditures are below the level needed to expend the appropriation by the end of the fiscal year. It is essential that the contracts for Pharmacist Rehabilitation and Pharmacist Media Campaign be issued as soon as possible to begin allocating funds to those programs as planned in the budget. It will not be possible to spend the full amount allocated to these activities in F. Y. 1999 due to the late start date from the Office of Contracts. As a result, Ms. Banks is developing a plan to utilize any unspent funds to ensure that the Board does not suffer any problems associated with Y2K computer problems. Ms. Banks will develop a proposal for the expenditure of these funds for computers during the third quarter.

Board Members were asked to include addresses of place of departure and destination for travel when completing expense accounts. This is to demonstrate to auditors the exact origin and destination for travel so that they can determine the distance is appropriate. Travel and Per Diems should be submitted on separate expense forms. Members requested that blank expense report forms be included in the monthly mailing of Board Packets.

### **Public Relations Committee/Counsel of Boards Report**

Tamarra Banks is working with the Division of Contracts on the final version of the request for proposals on the Media Campaign. She is waiting for acknowledgment from the Division on receipt of the RFP and on recommended changes to it. Ms. Faltz Jackson, Ms Furman, Dr. Love, Norene Pease and Ms. Banks will form the committee to review responses to the RFP.

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The Counsel of Boards met on February 8, 1999 and discussed the Legislative Reception and any steps that could be taken in subsequent years to improve it.

The Counsel was reminded about the dates of the Board's budget hearings in Annapolis.

Legislation addressing project reserve funds was not submitted because the Departments Report to the Joint Chairman addressed the issue of how reserves would be reduced to a reasonable level for each Board by F.Y 2002. The Board of Pharmacy would reduce its project reserve to 25% of the appropriation by 2002.

### **Questions for the Board**

#### **EMT - Rx Specialty Services - KVO Device**

David Denoyer presented the EMT question to the Board and stated that EMT plans to prefill a device with sodium chloride for injection to provide the device to hospitals on a prescription basis. Mr. Denoyer explained that this practice has commonly been called "outsourcing" if the drug is repackaged and sent without a patient specific label. The practice of filling patient specific orders off-site would be similar to normal prescription practice, but the procedure described may be closer to manufacturing. Mr. Denoyer submitted that many hospitals are researching the issue of off-site preparation of IV's and other products and recommended that the Board initiate study to determine the best course of action to ensure safe preparation of hospital products and prescriptions filled outside of the dispensing pharmacy. Board members discussed this issue and recommended placing this item on Practice Committee agenda. Commissioner Yee volunteered to assist with this issue.

#### **Dispensing Oncology Drugs in Physician's Offices**

David Denoyer requested that the Board respond to a letter from Dr. Ettinger, Professor of Oncology and Medicine at Johns Hopkins University Hospital. Dr. Ettinger requested clarification on how physician oncologists can obtain a license to dispense oral cancer drugs directly from their office. Mr. Ades stated that he would assist Mr. Denoyer is writing a response to Dr. Ettinger's request. Mr. Ades stated that he wanted to provide a reminder to Dr. Ettinger about the important roles of physicians and pharmacists providing a balance when dispensing medications that ensures patients are not endangered. When physicians dispense, the check in the balance system is eliminated and the potential for serious mistakes is significantly greater. Mr. Ades would like to share the letter with the Boards of Physician Quality Assurance and Nursing in order to ensure that an adequate system for supervising physician dispensing is in place. He wondered how the Division of Drug Control could be utilized to inspect dispensing physicians.

**Guidelines on Medication Administration in Schools** - The Maryland State Department of Education asked for the Board to review its advice rendered in October 1991 regarding packaging

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and labeling medications for children who are leaving school for a day excursion. The Board recommended that in lieu of providing advice on a single issue that a member participate in the committee that is reviewing the guidelines for medication administration in schools. Ms. Furman volunteered to participate on the Committee.

Ms. Levi requested that the Board contact the business at Touch the Earth on Charles Street in Baltimore to determine the nature of the Aromatherapy Apothecary at that location. She requested that the Board research if this business is falsely advertising as an apothecary/pharmacy when it does not meet the requirements to be licensed.

Meeting Adjourned at 11:40 a.m.

Respectfully Submitted,

W. Irving Lottier, Jr.  
Secretary